



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant:
Title:

Lou Leonardo et al.

**METHOD AND SYSTEM FOR REPORTING FRAUD AND CLAIMING INSURANCE
RELATED TO NETWORK-BASED TRANSACTIONS**

Docket No.: 2043.157US1
Filed: May 30, 2000
Examiner: Vanel Frenel

Serial No.: 09/583,216
Due Date: July 11, 2005
Group Art Unit: 3626

MS Appeal Brief - Patents

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

We are transmitting herewith the following attached items (as indicated with an "X"):

- ☒ An Appeal Brief Under 37 CFR 41.37 (20 pgs), including authorization to charge Deposit Account 19-0743 in the amount of \$500.00 to cover the fee for filing the Appeal Brief.
- ☒ A return postcard.

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SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
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By: Russ D Slifer
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Peter Rebuffani
Name

Peter Rebuffani
Signature



APPEAL BRIEF UNDER 37 C.F.R. § 41.37

TABLE OF CONTENTS

	<u>Page</u>
<u>1. REAL PARTY IN INTEREST</u>	2
<u>3. RELATED APPEALS AND INTERFERENCES</u>	3
<u>3. STATUS OF THE CLAIMS</u>	4
<u>4. STATUS OF AMENDMENTS</u>	5
<u>5. SUMMARY OF CLAIMED SUBJECT MATTER</u>	6
<u>6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL</u>	7
<u>7. ARGUMENT</u>	8
<u>8. SUMMARY</u>	12
<u>CLAIMS APPENDIX</u>	13
<u>EVIDENCE APPENDIX</u>	18
<u>RELATED PROCEEDINGS APPENDIX</u>	19



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Lou Leonardo et al.) Examiner: Vanel Frenel Wang
)
Serial No.: 09/583,216) Group Art Unit: 2363
)
Filed: May 30, 2000) Docket: 2043.157US1
)
For: METHOD AND SYSTEM FOR REPORTING FRAUD AND CLAIM
INSURANCE RELATED TO NETWORK-BASED TRANSACTIONS
)

APPEAL BRIEF UNDER 37 CFR § 41.37

Mail Stop Appeal Brief- Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Appeal Brief is presented in support of the Notice of Appeal to the Board of Patent Appeals and Interferences, filed on May 11, 2005, from the Final Rejection of claims 1-20 of the above-identified application, as set forth in the Final Office Action mailed on March 11, 2005.

The Commissioner of Patents and Trademarks is hereby authorized to charge Deposit Account No. 19-0743 in the amount of \$500.00 which represents the requisite fee set forth in 37 C.F.R. § 41.2(b)(2). The Appellants respectfully request consideration and reversal of the Examiner's rejections of pending claims.

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1. REAL PARTY IN INTEREST

The real party in interest of the above-captioned patent application is the assignee,
EBAY INC..

2. RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences known to Appellant that will have a bearing on the Board's decision in the present appeal.

3. STATUS OF THE CLAIMS

The present application was filed on May 30, 2000 with claims 1-20.

A non-final Office Action was mailed April 14, 2003. In a Response filed July 14, 2003, Appellant amended claims 7, 11 and 16.

A Final Office Action was mailed October 10, 2003.

Appellant filed a Request for Continued Examination on April 8, 2004 with a Preliminary Amendment to amend claims 1, 3-10 and 12-19.

A non-final Office Action was mailed May 6, 2004. In a Response filed November 8, 2004, claims 1-20 were not amended.

A Final Office Action was mailed March 11, 2005.

In response, Appellant filed a Response and a Notice of Appeal on May 11, 2005.

Claims 1-20 stand twice rejected, remain pending, and are the subject of the present Appeal.

4. STATUS OF AMENDMENTS

No amendments have been made subsequent to the Final Office Action dated March 11, 2005. Remarks were mailed May 11, 2005.

5. SUMMARY OF CLAIMED SUBJECT MATTER

The present inventive subject matter includes, but is not limited to, methods and system for reporting and settling fraud and claiming insurance related to network-based transactions. See page 8, lines 1-17. For one embodiment, a submission of a complaint is facilitated to a network-based facility 110, as illustrated in Figure 1, in which the complaint relates to a network-based transaction. The network-based facility allows users to detail their complaints related to network-based transactions and to provide a process allowing users to resolve their complaints. The complaint is associated with an item identifier 312, as illustrated in Figure 3, page 12 lines 11-12. A resolution of the complaint associated with the identifier is facilitated, and if the complaint is not resolved, an insurance claim is facilitated for the unresolved complaint 1514, as illustrated in Figure 15.

This summary merely highlights example features of the present subject matter and does not provide an exhaustive or exclusive view of the subject matter. Appellant refers to the appended claims and its legal equivalents for a complete statement of the invention.

6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-20 stand rejected under § 103(a) as allegedly being anticipated by U.S. Publication No. 2004/0059596 (hereinafter “Vaidyanathan”) in view of U.S. Publication Number 2001/0041993 (hereinafter “Campbell”).

7. ARGUMENT

Neither the Vaidyanathan nor Campbell reference, whether taken separately or in combination, describe all the limitations of claims.

DESCRIPTION OF THE CITED REFERENCES

Vaidyanathan

The Vaidyanathan reference is directed to systems and methods for resolving an electronic commerce dispute involving one or more parties by selecting one of two modes of resolving the dispute. The first mode being completely driven by an electronic agent and the second mode involving a human dispute resolution of the dispute of the one or more parties (See Abstract).

Campbell

The Campbell reference is directed to a computer-based method and system for managing insurance claims that enables a claimant (with or without an attorney) and an insurance carrier to initiate, document, value, and negotiate an insurance claim in a timely manner while minimizing expense associated therewith. The claimant accesses the system over a network and is guided systematically from claim initiation to claim resolution. The claimant is provided with information on the credibility of the insurance claim and easy to use tools to help determine the value of the insurance claim. (See Abstract)

**THE CITED REFERENCES DO NOT TEACH OR SUGGEST ALL CLAIM
LIMITATIONS, WHEN CONSIDERED SINGULARLY OR IN COMBINATION.**

Unlike the prior art, claim 1 of the present application includes the limitations of:
facilitating a submission of a complaint to the network-based facility, the
complaint **relating to a network-based transaction** between a first party and a second
party, the first party and the second party generating the network-based transaction;
associating an **identifier** to the complaint; and
facilitating a claim for insurance if the complaint is not resolved.

Further, claim 10 of the present invention includes the limitations of:
a processing unit configured to facilitate a submission of a complaint from a first
party against a second party, the **complaint relating to a network-based transaction
record** maintained by the database, the network-based transaction being between the first
party and the second party, to **associate an identifier to the complaint**, to facilitate a
dialog between the first party and a second party to provide a resolution of the complaint
associated with the identifier, and to **facilitate a claim for insurance** if the complaint is
not resolved.

Claim 19 of the present invention includes the limitations of:
facilitating a submission of a complaint to the network-based facility, the
complaint relating to a network-based transaction between a first party and a second
party, the first party and the second party generating the network-based transaction;
associating an **identifier** to the complaint;
facilitating a dialog between the first party and the second party to provide a
resolution of the complaint associated with the identifier; and
facilitating a claim for insurance if the complaint is not resolved.

Appellant respectfully submits that the combination of Vaidyanathan and Campbell fails to disclose or suggest all of the limitations of the pending claims. Regarding Claim 1, neither reference discloses or suggests a computer-implemented method for a network-based facility comprising associating an identifier to a complaint. Regarding claim 10, neither reference discloses or suggests a processing unit configured to associate an identifier to a complaint. Regarding claim 19, neither reference discloses or suggests a machine-readable medium that provides instructions, which when executed by a machine, cause said machine to associate an identifier to a complaint.

The Examiner stated in the Office Action mailed May 6, 2004 that the Vaidyanathan reference teaches associating an identifier to a complaint, citing paragraphs 0051-0058 of the reference.

These passages of Vaidyanathan, however, discuss a system in which identifiers are associated to users (e.g., sellers and buyers) rather than to a complaint. Specifically, in Vaidyanathan, a seller “enters its identification and password information” (Vaidyanathan, [0051]), and the system associates to the seller “unique user identification information such as his or her electronic mail address, name, credit card type and number, and billing address” (Vaidyanathan, [0054]).

The present application describes a complaint system that includes an item number 312 to store item identifiers relating to an item that is subject to a filed complaint, see page 12, lines 16-17. As such, complaints are not only tracked by the parties to the complaint, but by the identifier of the transaction originating the complaint. Vaidyanathan merely teaches tracking complaints by the identification of the complaining party.

The Examiner stated in the Office Action mailed May 6, 2004 that the Vaidyanathan reference does not explicitly disclose facilitating a claim for insurance if the complaint is not resolved. The Examiner states that this feature is known in the art and cites the Campbell reference Page 5, Paragraph 0048 as support.

The Campbell reference is directed to a computer-based method and system for managing insurance claims between a claimant and an insurance carrier negotiate an

insurance claim (See Abstract). Paragraph 0048 fails to suggest or disclose facilitating a claim for insurance if a complaint relating to a network-based transaction is not resolved. The Campbell reference merely teaches that an insurance claim can be negotiated and managed using a computer-based system.

There is no suggestion in either the Vaidyanathan or Campbell reference to combine the general idea of a computer-based insurance claim management system of Campbell with the dispute resolution of Vaidyanathan. Appellant maintains that combining the references is impermissible hindsight reconstruction.


In view of the above, it is submitted that, whether taken separately or in combination, neither Vaidyanathan nor Campbell describe all the limitations of claims.

8. SUMMARY

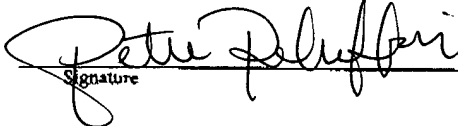
It is respectfully submitted that the art cited does not render the claims obvious and that the claims are patentable over the cited art. Reversal of the rejection and allowance of the pending claims is respectfully requested.

Respectfully submitted,
CHRIS LALONDE et al.

By their Representatives,
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Date 7/11/05 By 
Russell D. Slifer
Reg. No. 39,838

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Peter Rebuffoni 
Name Signature

CLAIMS APPENDIX

1. (Rejected) A computer-implemented method for a network-based facility, the method comprising:

facilitating a submission of a complaint to the network-based facility, the complaint relating to a network-based transaction between a first party and a second party, the first party and the second party generating the network-based transaction;

associating an identifier to the complaint;

facilitating a dialog between the first party and the second party to provide a resolution of the complaint associated with the identifier; and

facilitating a claim for insurance if the complaint is not resolved.

2. (Rejected) The method of claim 1, wherein the network-based facility is a network-based online auction facility and the network-based transaction is a network-based online auction transaction.

3. (Rejected) The method of claim 1, wherein the facilitating of the submission of the complaint includes:

providing an interface for at least one of the parties to input information for the complaint.

4. (Rejected) The method of claim 3, wherein the providing of the interface includes:

providing an interface for the first party and an interface for a the second party.

5. (Rejected) The method of claim 1, wherein the facilitating of the resolution includes:

providing a status interface for one of the parties to view a current status and ~~or~~ provide comments related to the complaint associated with the identifier and an interface to report a status of the complaint associated with the identifier.

6. (Rejected) The method of claim 5, wherein the providing of the status interface includes:

providing an interface for one of the parties who is complained against to input comments related to the complaint associated with the identifier.

7. (Rejected) The method of claim 1, wherein the facilitating of the claim for insurance includes:

providing an interface for one of the parties to file an insurance claim if the complaint has not been resolved after a certain period of time.

8. (Rejected) The method of claim 1, wherein the facilitating of the resolution includes:

providing an interface allowing one of the parties who is complained against to respond to the complaint.

9. (Rejected) The method of claim 1, wherein the facilitating of the resolution includes:

exchanging comments between the first party and the second party regarding the complaint associated with the identifier, wherein the first party is a complaining party and the second party is a complained against party.

10. (Rejected) A network-based facility system, comprising:

a database configured to maintain records of network-based transactions; and
a processing unit configured to facilitate a submission of a complaint from a first party against a second party, the complaint relating to a network-based transaction record maintained by the database, the network-based transaction being between the first party and the second party, to associate an identifier to the complaint, to facilitate a dialog between the first party and a second party to provide a resolution of the complaint associated with the identifier, and to facilitate a claim for insurance if the complaint is not resolved.

11. (Rejected) The network-based facility system of claim 10, wherein the network-based transaction record is a network-based online transaction record.

12. (Rejected) The network-based facility system of claim 10, wherein the processing unit is further configured to provide an interface for the first party to input information for the complaint.

13. (Rejected) The network-based facility system of claim 12, wherein the processing unit is further configured to provide an interface for the first party and an interface for the second party, wherein the first party is a buyer involved in the network-based transaction and the second party is a seller involved in the network-based transaction.

14. (Rejected) The network-based facility system of claim 10, wherein the processing unit is further configured to provide a status interface for each of the parties to view a current status and provide comments related to the complaint associated with the identifier and to provide an interface to report a status of the complaint associated with the identifier.

15. (Rejected) The network-based facility system of claim 14, wherein the processing unit is further configured to provide an interface for the second party who is complained against to input comments related to the complaint associated with the identifier.

16. (Rejected) The network-based facility system of claim 10, wherein the processing unit is further configured to provide an interface for the first party to file an insurance claim if the complaint has not been resolved after a certain period of time.

17. (Rejected) The network-based facility system of claim 10, wherein the processing unit is further configured to provide an interface allowing the second party who is complained against to respond to the complaint.

18. (Rejected) The network-based facility system of claim 10, wherein the processing unit is further configured to facilitate exchange of comments between the first party and the second party regarding the complaint associated with the identifier.

19. (Rejected) A machine-readable medium that provides instructions, which when executed by a machine, cause said machine to perform operations comprising:

facilitating a submission of a complaint to the network-based facility, the complaint relating to a network-based transaction between a first party and a second party, the first party and the second party generating the network-based transaction;

associating an identifier to the complaint;

facilitating a dialog between the first party and the second party to provide a resolution of the complaint associated with the identifier; and

facilitating a claim for insurance if the complaint is not resolved.

20. (Rejected) The machine-readable medium of claim 19, wherein the network-based facility is a network-based online auction facility and the network-based transaction is a network-based online transaction.

EVIDENCE APPENDIX

None.

Title: METHOD AND SYSTEM FOR REPORTING FRAUD AND CLAIM INSURANCE RELATED TO NETWORK-BASED
TRANSACTIONS

RELATED PROCEEDINGS APPENDIX

None.